

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**STEVE E. ASHE and wife, DEBORAH)
ANN SCOTT ASHE; FRANK H.)
BARTON; HOMER R. BLYTHE)
and wife, ANN ENGLISH BLYTHE;)
BEN BOLT and wife, FLORA MAE)
MCCALL BOLT; SHIRLEY EUGENE)
BRACKEN and wife, ANNIE JO)
SHERRIL BRACKEN; FRED C.)
BRYSON and wife, MARY B. BRYSON;)
ALLEN E. CHAPMAN)
and wife, SANDRA FISHER)
CHAPMAN; JOHN C. CHAPMAN)
and wife, IVA LEE ANDERS)
CHAPMAN; DAVID H. CORN)
and wife, PHYLLIS BOWEN CORN;)
ROBERT H. CROWE and wife,)
MARIAN CROWE; RHONDA)
DEBRUHL, Administrator of the Estate)
of FRED DAVIS, Deceased; DANNY L.)
DUCKWORTH; JOHN D. EZELL)
and wife, AILEEN RODGERS EZELL;)
EDNA MAE FEWELL; SALLY R.)
FLETCHER, Executrix of The Estate of)
CARROLL FLETCHER; WILLIAM M.)
GADDY, SR. and wife, MYRTLE N.)
GADDY; CLYDE C. GALLOWAY)
and wife, BELLE T. GALLOWAY;)
JAMES C. GOFORTH and wife,)
THELMA W. GOFORTH; CLAUDE S.)
GOODSON and wife, DARLENE)
GOODSON; ROBERT P. GRANT)
and wife, DORIS PATTERSON)
GRANT; LARRY W. GREGORY;)
WILLIAM H. HALL, JR. and wife,)
WANDA D. HALL; WILLIE E.)
HARRON; THOMAS B. HEATON and)
wife, ELLA MAE P. HEATON;)
RICHARD L. HISSA and wife,)
PRISCILLA B. HISSA; MARILYN S.)
JARRETT, Individually and as)
Executrix of the Estate of DOUGLAS L.)
JARRETT, Deceased; MAGGIE C.)
KRIDER, Individually and as Personal)
Representative of the Estate of Thomas)
Krider; JAMES T. MAHONEY, JR. and)**

C/A No.: 1:99cv268-T

wife, BRENDA FAYE J. MAHONEY;)
 ERNEST R. MANEY and wife,)
 BARBARA GREEN MANEY; ARTHUR)
 A. MCCALL and wife, EDITH)
 ENGLISH MCCALL;)
 BENJAMIN F. MCCALL and wife,)
 DONNIE VEE MCCALL; FRANKLIN)
 L. MCCALL and wife, BETTY)
 LAMBERT MCCALL; JAMES D.)
 MCCALL; RUFUS S. MCCALL)
 and wife, MARGARET PAULINE R.)
 MCCALL; SHERRELL P. MCCRARY)
 and wife, VELMA EARLENE)
 MCCRARY; WILLIAM P.)
 MCKELVEY; BETTY N. MICHAEL)
 Executrix of the Estate of JOHN A.)
 MICHAEL; JIMMY G. MILLER)
 and wife, LINDA GALLOWAY)
 MILLER; BENNY L. MOONEY)
 and wife, MILDRED RUTH H.)
 MOONEY; WILLIAM L. MOONEY,)
 SR. and wife, BILLIE FARMER)
 MOONEY; BEULAH C. MOORE;)
 PATRICIA M. CROUCH, Executrix of)
 the Estate of TARLIE E. MOORE,)
 Deceased; PEGGY NMN LOFLIN,)
 Administrator of the Estate of JAMES)
 H. MORRIS, deceased; GEORGE H.)
 NEWMAN and wife, VIRGINIA H.)
 NEWMAN; CARROLL F. OWEN and)
 wife, CYNTHIA SPIVEY OWEN;)
 MARY M. OWEN; PHILLIP E.)
 OWENS and wife, DOROTHY)
 LORENA W. OWENS; ROSCOE H.)
 PONDER and wife, GRACE JULIE R.)
 PONDER; JOE B. ROGERS and wife,)
 JUNE ROGERS; REMUS L. ROPER)
 and wife, SHIRLEY ROPER; PAUL D.)
 SEAGLE and wife, LINDA M.)
 SEAGLE; DOUGLAS G. SENTELLE)
 and wife, CINDY SENTELLE;)
 BRONITH SHOOK, Administrator of)
 the Estate of VANCE RANDALL)
 SHOOK, deceased; CHARLES N.)
 SHOOK, Executor of the Estate of)
VANCE F. SHOOK, deceased; ETHEL)

IRENE J. SITTON, Executrix of the)
Estate of ED J. SITTON, deceased;)
NETTIE L. SITTON; BRUCE D.)
SMITH and wife, DELORES H. SMITH;)
ROBERT A. SMITH and wife,)
MARJORIE L. SMITH; BRADLEY H.)
SNIPES and wife, ELEANOR E.)
SNIPES; FRANK A. STEVENS and)
wife, RUBY IRENE STEVENS; RUTH)
G. SUMMEY, Executor of the Estate of)
CLYDE C. SUMMEY, deceased;)
JUANITA W. WATSON; CHARLES E.)
WHITEMIRE and wife, BOBBIE JEAN)
WHITEMIRE; ALBERT W.)
WILLIAMS and wife, CAROLYN)
WILLIAMS; THOMAS J. WOODS and)
wife, ALICIA JEAN WOODS,)
)
Plaintiffs,)
)
v.)
)
ACandS, Inc., et al)
)
Defendants.)

ORDER OF DISMISSAL WITH PREJUDICE

THIS MATTER is before the Court on motion of counsel for the captioned Plaintiffs for an Order of Dismissal With Prejudice as to Defendant Crown Cork & Seal Company, Inc.

With the consent of Leath, Bouch & Crawford LLP, Attorneys for Defendant Crown Cork & Seal Company, Inc.,

IT IS, THEREFORE, ORDERED that the motion is **ALLOWED**, and all claims of the Plaintiffs, Steve E. Ashe and wife, Deborah Ann Scott Ashe; Frank H. Barton; Homer R. Blythe and wife, Ann English Blythe; Ben Bolt and wife, Flora Mae McCall Bolt; Shirley Eugene Bracken and wife, Annie Jo Sherril Bracken; Fred C.

Bryson and wife, Mary B. Bryson; Allen E. Chapman and wife, Sandra Fisher Chapman; John C. Chapman and wife, Iva Lee Anders Chapman; David H. Corn and wife, Phyllis Bowen Corn; Robert H. Crowe and wife, Marian Crowe; Rhonda Debruhl, Administrator of the Estate of Fred Davis, Deceased; Danny L. Duckworth; John D. Ezell and wife, Aileen Rodgers Ezell; Edna Mae Fewell; Sally R. Fletcher, Executrix of the Estate of Carroll Fletcher; Clyde C. Galloway and wife, Belle T. Galloway; James C. Goforth and wife, Thelma W. Goforth; Claude S. Goodson and wife, Darlene Goodson; Robert P. Grant and wife, Doris Patterson Grant; Larry W. Gregory; William H. Hall, Jr. and wife, Wanda D. Hall; Willie E. Harron; Thomas B. Heaton and wife, Ella Mae P. Heaton; Richard L. Hissa and wife, Priscilla B. Hissa; Marilyn S. Jarrett, Individually and as Executrix of the Estate of Douglas L. Jarrett, Deceased; Maggie C. Krider, Individually and as Personal Representative of the Estate of Thomas Krider; James T. Mahoney, Jr. and wife, Brenda Faye J. Mahoney; Ernest R. Maney and wife, Barbara Green Maney; Arthur A. McCall and wife, Edith English McCall; Benjamin F. McCall and wife, Donnie Vee McCall; Franklin L. McCall and wife, Betty Lambert McCall; James D. McCall; Rufus S. McCall and wife, Margaret Pauline R. McCall; Sherrell P. McCrary and wife, Velma Earlene McCrary; William P. McKelvey; Betty N. Michael Executrix of the Estate of John A. Michael; Jimmy G. Miller and wife, Linda Galloway Miller; Benny L. Mooney and wife, Mildred Ruth H. Mooney; William L. Mooney, Sr. and wife, Billie Farmer Mooney; Beulah C. Moore; Patricia M. Crouch, Executrix of the Estate of Tarlie E. Moore, Deceased; Peggy Loflin, Administrator of the Estate of James H. Morris, Deceased; George H. Newman and wife, Virginia H. Newman; Carroll F. Owen and wife, Cynthia Spivey Owen; Mary M. Owen; Phillip E. Owens and wife, Dorothy Lorena

W. Owens; Roscoe H. Ponder and wife, Grace Julie R. Ponder; Joe B. Rogers and wife, June Rogers; Remus L. Roper and wife, Shirley Roper; Paul D. Seagle and wife, Linda M. Seagle; Douglas G. Sentelle and wife, Cindy Sentelle; Bronith Shook, Administrator of the Estate of Vance Randall Shook, Deceased; Charles N. Shook, Executor of the Estate of Vance F. Shook, deceased; Ethel Irene J. Sitton, Executrix of the Estate of Ed J. Sitton, Deceased; Nettie L. Sitton; Bruce D. Smith And wife, Delores H. Smith; Robert A. Smith and wife, Marjorie L. Smith; Bradley H. Snipes and wife, Eleanor E. Snipes; Frank A. Stevens and wife, Ruby Irene Stevens; Ruth G. Summey, Executor of the Estate of Clyde C. Summey, Deceased; Juanita W. Watson; Charles E. Whitemire and wife, Bobbie Jean Whitemire; Albert W. Williams and wife, Carolyn Williams; Thomas J. Woods and wife, Alicia Jean Woods, against the Defendant Crown Cork & Seal Company, Inc., are hereby **DISMISSED WITH PREJUDICE**.

Signed: September 15, 2008



Lacy H. Thornburg
United States District Judge



WE SO MOVE:
WARD BLACK LAW

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WE SO CONSENT:

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